

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L. KELLEY,
on behalf of themselves and a similarly
situated class,

Plaintiffs,

Case No. 09-cv-10918
Hon. Paul D. Borman
Magistrate Mona K. Majzoub

v.

Class Action

BORGWARNER, INC., BORGWARNER
FLEXIBLE BENEFITS PLANS and
BORGWARNER DIVERSIFIED
TRANSMISSION PRODUCTS, INC.,

Defendants.

EXHIBIT 24

TO

**PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT
AS TO LIABILITY**



**BorgWarner
Automotive**

Borg-Warner Automotive
Diversified Transmission
Products Corporation

Transmission
Systems

5401
Kilgore
Avenue

Muncie
Indiana
47304

RETIREMENT

(GENERAL SUMMARY OF OFTEN ASKED
OR EMPHASIZED ITEMS COVERED WITH
EMPLOYEES UPON APPLICATION FOR
RETIREMENT)



Covering employees in the bargaining Unit represented
by the International Union, United Automobile,
Aerospace and Agricultural Implement Workers
of America (UAW) and its Local 287.

PENSION INFORMATION

(Refer to Booklet for Details)

ADDRESS CHANGES

After retirement, please keep the Pension and Insurance Department advised at all times of any change of address, so our records will be current. You may also notify the Northern Trust Company in Chicago of any change.

PENSION PAYMENTS SENT TO BANK

If you want your pension sent direct to your bank, we have forms that must be completed by you and your bank. After completion, forms should be returned to the Pension Department.

TAXES (Federal and State only)

You may have both federal and state taxes deducted from your pension check. This is a voluntary request which can be based upon exemption or you may indicate an exact amount to be deducted each month. By completing the proper forms your tax deductions can be increased or decreased at any time.

SURVIVOR OPTION

At the time of your retirement, you may elect a survivor option for your spouse. In the event of your death, a benefit would be paid to your spouse for his/her lifetime. To reject the automatic election of the survivor option, the consent for rejection must come from the employee's spouse in writing and notarized or witnessed by a member of the Pension Board.

Your survivor option deduction can be restored if your spouse precedes you in death or there is a dissolution of marriage. Please refer to your Pension Agreement Booklet.

HEALTH INSURANCE FOR SURVIVORS

If your surviving spouse will receive a survivor option retirement benefit:

Your spouse can elect to keep the health insurance coverage which, at the present time, is paid by the Company. In event of remarriage the survivor option retirement benefit will continue, but the insurance benefit will be cancelled.

If your surviving spouse will not receive a survivor option retirement benefit:

Your spouse can elect to keep the health insurance coverage by paying the full premium. In the event of remarriage the insurance benefit will be cancelled.

EARNINGS LIMIT

If you are receiving a Supplemental Benefit in your pension payment you will be under an earnings limit for three full years following your retirement date or until age 62. This limit will be the same limit as set by Social Security for persons under age 65. It is advisable to check each year with the Pension Department or Social Security to see if the earnings limit has been changed.

You will be sent a "Statement of Earnings" form each year to be completed and returned to the Pension Department with your taxes. If you exceed the earnings limit, you will have to pay a penalty of \$2 for each \$1 you exceed the limit. However, if you know you will exceed the earnings limit, you can have your Supplemental Benefit stopped at any time prior to exceeding the limit and have it restored the first of the following year. The requests must be in writing thirty (30) days prior to the cancellation or reinstatement date.

DISABILITY SOCIAL SECURITY (with EARLY RETIREMENT)

If you retire under Early Retirement and receive a Regular or Interim Supplemental Benefit, then become totally disabled and receive Disability Social Security, contact a member of your Pension Board or the Pension Department immediately. An adjustment must be made to your Supplemental Benefit retroactive to the date of entitlement of Social Security.

UNION DUES

At the time of your retirement or any month thereafter, you may sign to have \$2.00 union dues deducted from your pension. However, if you wish to stop the deduction, cancellation can only be effective January 1st of each year.

MONTHLY PENSION CHECKS

Pension payments are due on the first of the month for that month. If you do not receive your check by the eleventh day of the month, advise the Pension Department. A stop-payment could be placed against the check and a replacement check issued.

PENSION BOARD

The Pension Board is comprised of three Union members and three Company members. Pension Board meetings are held the second Tuesday of each month. Any requests for changes regarding your pension should be made no later than the last day of the month preceding the Pension Board Meeting.

401K SAVINGS PLAN

Contact the 401K Plan Administrator concerning your options for distribution. You may wish to contact tax advisor or a financial institution to determine what method of distribution would be best for you. You must complete a Final Distribution Form even if you are leaving your money in the Fund after retirement.

LIFE INSURANCE

New retirees on or after 12/1/89-Life insurance remains the same as your "active coverage" until age 65, then it is reduced to \$6,000.

DEPENDENT LIFE INSURANCE

Dependent Life Insurance is available for active employees only. At retirement it is no longer available to you, but it can be converted to an individual policy with Equicor, if coverage was in effect at the time you retired. There would be no health exam and the premium is based on your spouse's age at the time of your retirement. Contact the Insurance Department if you are interested in converting.

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HEALTH INSURANCE

After retirement you will no longer be eligible for dental or hearing aid insurance coverage.

Hospital, medical, surgery, diagnostic and prescription drug will convert to the Retiree Health Plan. At age 65 you will be eligible for Medicare. Your health agreement has automatic integration with Medicare. You will continue to have the group insurance, however, the Medicare payments will be deducted from our normal allowance. Therefore, all claims must be filed with Medicare first. Send all Medicare "Explanation of Medicare Benefits" forms with the doctors itemized bill to the address of the Equilor Insurance claim forms.

FEDERAL COBRA LAW would give you an alternate choice to continue your "active" health coverage including Dental/Hearing and you must pay 102% of total cost.

HEALTH CARE COMPARE (Precertification--see Managed Care brochure for details)

This benefit will continue for retirees not covered by Medicare.

This is a three-part program. Hospital Review can help you avoid spending unnecessary time in the hospital. The Surgical Opinion Program can help you obtain a free second opinion, but only when it is really needed. The Case Management Program can help identify benefit coverage alternatives for you.

PRESCRIPTION DRUGS

For persons retiring on or after 12/1/89 the PCS deductible will be \$7.00 name brand and \$4.00 generic. The HCS mail order drugs will continue to be \$2.00 for a ninety (90) day supply.

RETIREE STATUS (DEPENDENTS and BENEFICIARIES)

At the time of your retirement, your records will be verified as to the number of dependents covered under the Group Health Insurance and to make sure the beneficiary designation on your life insurance is correct. In the future, you will need to go to the Insurance Department and sign the proper forms if you have changes in your marital status, number of dependents or wish to change your beneficiary designation.

INSURANCE DEPARTMENT

Insurance claims can be mailed direct to the Equilor. If you need insurance forms or direct reimbursement forms for drugs, please call and they will be mailed to you. The Insurance Department phone number is (317) 286-6456.

Please note--Office hours for the Insurance and Pension Department:
Open on Mondays and Fridays, 7:30 a.m. to 4:30 p.m.
Closed for lunch-11:45 to 12:45 Monday and Friday
Closed Tuesday, Wednesday, and Thursday